

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

*

Plaintiff

*

CAUSE NO. 8:10 CR 441

vs.

*

NANCY J. BASLER,

*

DEFENDANT'S MOTION FOR
DOWNWARD DEPARTURE

Defendant

*

COMES NOW the defendant by Counsel, and in support of her motion for downward departure states:

1. Defendant entered a plea of guilty to on count of the indictment in violation of United States Code Title 18, Section 642, embezzlement. Sentencing is continued to June 24, 2011 at 11:30 a.m.

2. A presentence investigation report reveals Defendant's plea indicated sentencing at level 13 of the guidelines which is 12 months incarceration followed by supervised release. Home confinement is considered.

3. Defendant respectfully requested the Court consider a variance in the sentence under 18 USC 35.53(a) for the following reasons:

(a) Defendant has been cooperative;

(b) Defendant is of advanced age and lives in a rural setting;

(c) Defendant has the ability under supervision, to make efforts towards payment of restitution;

(d) The government has no objection; and

(e) Judicial economy will be served by having Defendant on supervised release.

4. As the Court is well aware of the provisions of 18 USC 35.53, Defendant has elected not to file an accompanying brief to this motion.

WHEREFORE, Defendant prays the Court consider a downward departure from the sentencing guidelines and sentence Defendant to a period of supervised release and for such other and further relief as to the Court seems just and equitable under the circumstances.

NANCY J. BASLER, DEFENDANT

Signed/William F. McGinn

William F. McGinn – NE Bar # 24477

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by electronic filing on May 6, 2011.

Signed/William F. McGinn